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MATSON NAVIGATION COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE,

Plaintiff,

vs.

HORIZON LINES, LLC and MATSON
NAVIGATION COMPANY

Defendants.

Case No. C 04-02255 MMC

**STIPULATION AND ORDER
CONTINUING TRIAL AND
PRE-TRIAL DATES**

For the reasons set forth below, the parties to the above-entitled action stipulate, agree and request the court continue the trial date and amend the Pre-trial Preparation Order entered on October 11, 2005.

Mr. Maxie has not been declared as having reached maximum cure, from his alleged injuries, which are the subject of this lawsuit. Mr. Maxie recently returned from a voyage working as a steward. He continues to complain of physical ailments, and has a scheduled appointment with his neurologist in early March. Mr. Maxie's treating physician has not opined as to a likely date by which maximum cure will be achieved.

The parties have completed the liability phase of Mr. Maxie's deposition. Discovery is closed, except that, by agreement, the parties have extended non-expert discovery for the purposes of (1) the deferred medical and damages phase deposition of plaintiff, which was by

1 agreement deferred until he is permanent and stationary, and (2) plaintiff's depositions of four
2 designated co-workers of plaintiff.

3 The parties also wish to participate in settlement discussions. The parties have agreed to
4 a private mediator, Jerry Spolter, and scheduled the mediation for April 3, 2006. However,
5 given plaintiff's symptomology and the uncertainty regarding the date by which Mr. Maxie will
6 achieve maximum cure, the parties cannot meaningfully participate in settlement discussions
7 before the March 7, 2006 cut-off dates, or the scheduled April 3, 2006 date with Mr. Spolter.

8 Accordingly, the parties stipulate and respectfully request that the following pretrial dates
9 be continued as follows:

10 Expert disclosure & reports August 11, 2006

(Present Date:

11 Non-medical: March 17, 2006

12 Medical: March 31, 2006)

13 Expert Discovery cut-off September 1, 2006

(Present date: April 14, 2006)

14 Private mediation completion August 1, 2006

15 Pretrial Conference September 12, 2006, 3:00 p.m.

16 (Present Date: April 25, 2006,
at 3:00 p.m.)

17 Trial Date October 3, 2006

18 (Present Date: May 15, 2006)

19 Should Mr. Maxie's recovery be further delayed, the parties will immediately advise the
20 Court and propose appropriate revisions to the current pretrial and trial dates.

21 Respectfully Submitted,

22 Dated: March 8, 2006

BANNING MICKLOW BULL & LOPEZ LLP

23 By: S/ EDWARD BULL

Edward Bull

24 Attorneys for Plaintiff

DANIEL MAXIE

25 Dated: March 8, 2006

LAW OFFICES OF HARVEY I. WITTENBERG

26 By: S/ HARVEY J. WITTENBERG

27 Harvey I. Wittenberg

Attorneys for Defendant

28 HORIZON LINES, LLC

1 Dated: March 8, 2006

FLYNN DELICH & WISE

2 By: S/ JAMES B. NEBEL

James B. Nebel

3 Attorneys for Defendant

4 U.S. SHIP MANAGEMENT, INC.

5 Dated: March 8, 2006

GIBSON ROBB & LINDH LLP

6 By: S/ PETER A. LINDH

Peter A. Lindh

7 Attorneys for Defendant

8 MATSON NAVIGATION COMPANY

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10 IT IS SO ORDERED, with the exception that the pretrial conference is continued to
11 February 6, 2007 and the trial to February 20, 2007, no earlier trial dates being available.

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13 DATED: March 14, 2006



14 UNITED STATES DISTRICT JUDGE
15 MAXINE M. CHESNEY
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